

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

In Re:)
JIMMY LEE HOUSLEY, SR.) CASE NO.: 15-80482-JJG-13
SHERRI LYNN HOUSLEY)
Debtor(s))

DEBTOR'S OBJECTION TO CLAIM #11 OF US BANK TRUST, N.A.

COMES NOW the debtor, Jimmy Lee Housley, Sr., by counsel, and moves this honorable Court for an order disallowing the remaining pre-petition mortgage arrearage claimed by US Bank in the amount of \$3,141.00. In support thereof, Debtor would state as follows:

1. That on June 18, 2015, Debtor filed a voluntary petition under Chapter 13 of Title 11, United State Bankruptcy Code.
2. A proof of claim was filed in the above-numbered case by US Bank Trust, N.A. on September 29, 2015. Pursuant to the proof of claim, US Bank claims a pre-petition mortgage arrearage of \$28,443.50. That, to date, the Trustee has paid the amount of \$25,102.18 towards this claim.
3. That investigation by the Debtor and Debtor's counsel has revealed that well over a year ago the monthly mortgage payment owed to US Bank Trust, N.A. was reduced, however, the creditor never filed a notice of payment change at that time. This has resulted in an overpayment that has significantly reduced the Debtor's pre-petition arrearage.
- 4 That based upon this over-payment, it appears that the Debtor would only owe approximately \$450.00 towards the pre-petition arrearage at this point.
5. That the Debtor is requesting that this objection be sustained and that US Bank Trust, N.A. only be permitted a remaining pre-petition arrearage claim of \$450.00.

PLEASE TAKE NOTICE THAT any objection must be filed with the Bankruptcy Clerk within **30 days** of the date of this notice.. Those not required or not permitted to file electronically must deliver any objection by U.S. mail, courier, overnight/express mail, or in person at:

**Federal Building, Room 352
101 Northwest Martin L. King Boulevard
Evansville, Indiana 47708**

The responding party must ensure delivery of the response to the party filing the objection. **If a response is NOT timely filed, the requested relief may be granted.** If a response is filed, a hearing will be set at a later date, and all parties will receive a notice of that hearing.

WHEREFORE, the debtors, by counsel, move the Court for an Order as follows:

- A. That the Court directs the Chapter 13 Trustee to reduce the pre-petition arrearage claimed in claim #11 filed by US Bank Trust, N. A..
- B. That the Court set this matter for hearing based upon the foregoing reasons and for all other relief just and proper in the premises.

Respectfully submitted

/s/ Andrew M. Wilkerson

Andrew M. Wilkerson, IN BAR NO. 25868-03
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Attorney for Debtors

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all interested parties of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule B-5005-4. It is further certified that on September 17, 2020, a copy of the Objection shall be mailed by certified U.S. mail postage prepaid and properly addressed, to the following:

US Bank Trust, N.A.
c/o Andrew Cecere, CEO and President
425 Walnut Street
Cincinnati, OH 45202

US Bank, National Association
7114 E. Stetson Drive
Suite 250
Scottsdale, AZ 85251

/s/ Andrew M. Wilkerson
Andrew M. Wilkerson